

121 FERC ¶ 61,020
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Allegheny Electric Cooperative, Inc., *et al.*

v.

Docket No. EL07-56-001

PJM Interconnection, L.L.C.

Organization of PJM States, Inc., *et al.*

v.

Docket No. EL07-58-001

PJM Interconnection, L.L.C.

(Consolidated)

ORDER APPOINTING FACILITATOR AND
RULING ON MOTION FOR INTERVENTION

(Issued October 5, 2007)

1. On September 20, 2007, the Commission issued an Order on Offer of Settlement and Complaints (Order)¹ which, among other things, established settlement proceedings in this matter and provided the parties 14 days to select a facilitator. The Order further provided that the facilitator was to submit to the Commission an interim report on the progress of negotiations within 45 days from the date of the Order, and a final report within 90 days from the date of the Order.

¹*Allegheny Electric Cooperative, Inc., et al. v. PJM Interconnection, L.L.C.*, 120 FERC ¶61,254 (2007).

2. On October 4, 2007, Allegheny Electric Cooperative, Inc., et al. (Joint Complainants), the Organization of PJM States, Inc., et al. (OPSI) and PJM Interconnection, L.L.C. (PJM), filed a letter in which they advise the Commission that they have selected the Commission's General Counsel, John S. Moot, to serve as facilitator in the settlement proceedings. In addition, these parties request that Mr. Moot select, in consultation with the Director of the Commission's Dispute Resolution Service, one of the Commission's mediation specialists to assist him.

3. The letter states that Joint Complainants, OPSI and PJM notified all parties of this proposed selection on October 2, 2007, and advised them that if there were no objection to the selection, they would inform the Commission of the selection on October 4, 2007. The letter states that no party objected.

4. On September 24, 2007, the Commission received a Motion to Intervene out of time from Edison Mission Marketing & Trading, Inc. (Edison Mission), stating that because tariff amendments might be made in the course of this proceeding, it desired to participate in the settlement negotiations individually (it currently participates as a member of the PJM Power Providers Group). No party has objected to this motion. We find that good cause exists to grant Edison Mission's Motion to Intervene out of time.

The Commission orders:

(A) The Commission directs John S. Moot to serve as facilitator for the settlement negotiations, and to select, in consultation with the Director of the Commission's Dispute Resolution Service, a mediation specialist to assist him. Mr. Moot will be nondecisional in this matter.

(B) The Commission directs Mr. Moot to provide the Commission with a 45-day interim report on the progress of negotiations on November 5, 2007, and a 90-day final report on the progress of negotiations on December 19, 2007.

(C) The Commission grants Edison Mission's Motion to Intervene out of time.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Acting Deputy Secretary.